

Executive Summary – Enforcement Matter – Case No. 51277
Enterprise Products Operating LLC
RN100210665
Docket No. 2015-1416-IWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

IWD

Small Business:

No

Location(s) Where Violation(s) Occurred:

Morgans Point Complex, located at 1200 North Broadway Street, approximately one-half mile north of the intersection of North Broadway Street and West Barbours Cut Boulevard, Morgan's Point, Harris County

Type of Operation:

Organic chemical manufacturing facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: February 5, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$12,600

Amount Deferred for Expedited Settlement: \$2,520

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$5,040

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$5,040

Name of SEP: Armand Bayou Nature Center, Inc. (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: August 21, 2015

Date(s) of NOE(s): September 2, 2015

Violation Information

Failed to comply with permitted effluent limitations for total organic carbon, oil and grease, and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000440000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 002 and 003].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to, within 180 days, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0000440000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

Litigation Information

Date Petition(s) Filed: N/A

Date Answer(s) Filed: N/A

SOAH Referral Date: N/A

Hearing Date(s): N/A

Settlement Date: N/A

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Enterprise Products Operating LLC
RN100210665
Docket No. 2015-1416-IWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Austin Henck, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-6155; Melissa Cordell, Enforcement Division,
MC 219, (512) 239-2483

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division,
MC 219, (512) 239-3565

Respondent: Robert E. Moss, Vice President, Enterprise Products Operating LLC,
P.O. Box 4324, Houston, Texas 77210

Jon Fields, Field Environmental Director, Enterprise Products Operating LLC, P.O. Box
4324, Houston, Texas 77210

Respondent's Attorney: N/A

Attachment A
Docket Number: 2015-1416-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Penalty Amount:	Ten Thousand Eighty Dollars (\$10,080)
SEP Offset Amount:	Five Thousand Forty Dollars (\$5,040)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Armand Bayou Nature Center, Inc.
Project Name:	<i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2,500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The SEP Offset Amount will be used to pay for the labor and materials costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Enterprise Products Operating LLC
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wild fire. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Armand Bayou Nature Center, Inc.
Attention: Mark Kramer, Stewardship Coordinator
P.O. Box 58828
Houston, Texas 77258

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Enterprise Products Operating LLC
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	8-Sep-2015	Screening	11-Sep-2015	EPA Due	5-Dec-2015
	PCW	14-Sep-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	Enterprise Products Operating LLC		
Reg. Ent. Ref. No.	RN100210665		
Facility/Site Region	12-Houston	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	51277	No. of Violations	1
Docket No.	2015-1416-IWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Austin Henck
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	68.0% Enhancement	Subtotals 2, 3, & 7	\$5,100
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Notes: Enhancement for two months of self-reported effluent violations, one NOV with dissimilar violations, one agreed order with denial of liability, one EPA order, and one agreed order without denial of liability. Reduction for three Disclosures of Violations and three Notices of Intent to conduct an audit.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$712		
Estimated Cost of Compliance	\$10,000		

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$12,600
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OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

0.0%	Adjustment	\$0
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Notes:

Final Penalty Amount	\$12,600
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STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty	\$12,600
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DEFERRAL

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

20.0% Reduction	Adjustment	-\$2,520
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Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$10,080
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Screening Date 11-Sep-2015

Docket No. 2015-1416-IWD-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 51277

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100210665

Media [Statute] Water Quality

Enf. Coordinator Austin Henck

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	3	-3%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	3	-6%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 68%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two months of self-reported effluent violations, one NOV with dissimilar violations, one agreed order with denial of liability, one EPA order, and one agreed order without denial of liability. Reduction for three Disclosures of Violations and three Notices of Intent to conduct an audit.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 68%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 68%

Screening Date 11-Sep-2015

Docket No. 2015-1416-IWD-E

PCW

Respondent Enterprise Products Operating LLC

Policy Revision 4 (April 2014)

Case ID No. 51277

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN100210665

Media [Statute] Water Quality

Enf. Coordinator Austin Henck

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000440000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 002 and 003

Violation Description Failed to comply with permitted effluent limitations, as documented during a record review conducted on August 21, 2015, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$7,500

Two quarterly events are recommended; one quarter for each outfall.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$7,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$712

Violation Final Penalty Total \$12,600

This violation Final Assessed Penalty (adjusted for limits) \$12,600

Economic Benefit Worksheet

Respondent Enterprise Products Operating LLC

Case ID No. 51277

Reg. Ent. Reference No. RN100210665

Media Water Quality

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$10,000	31-May-2015	1-Nov-2016	1.42	\$712	n/a	\$712
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to determine the cause of noncompliance and make any necessary repairs/adjustments to the Facility. Date required is the initial date of noncompliance and the final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$712

Enterprise Products Operating LLC
Docket No. 2015-1416-IWD-E
TPDES Permit No. WQ0000440000

Effluent Violation Table

	Outfall No. 002		Outfall No. 003			
	Total Suspended Solids		Total Organic Carbon	Oil and Grease	Total Suspended Solids	
	Daily Average Conc.	Daily Maximum Conc.	Daily Maximum Conc.	Daily Maximum Conc.	Daily Average Conc.	Daily Maximum Conc.
Monitoring Period	Limit = 30 mg/L	Limit = 100 mg/L	Limit = 75 mg/L	Limit = 15 mg/L	Limit = 30 mg/L	Limit = 100 mg/L
May 2015	822	1,580	79.6	16.4	1,952	4,939
June 2015	c	c	c	c	388	989

Conc. = concentration
mg/L = milligrams per liter

c = compliant

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN603211277, RN100210665, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator:	CN603211277, Enterprise Products Operating LLC	Classification:	SATISFACTORY	Rating:	1.62
Regulated Entity:	RN100210665, Morgan's Point Complex	Classification:	SATISFACTORY	Rating:	0.98
Complexity Points:	20	Repeat Violator:	NO		
CH Group:	05 - Chemical Manufacturing				
Location:	1200 NORTH BROADWAY, APPROXIMATELY ONE-HALF MILE NORTH OF THE INTERSECTION OF NORTH BROADWAY STREET AND WEST BARBOURS CUT BOULEVARD IN MORGAN'S POINT, HARRIS COUNTY, TEXAS.				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

AIR OPERATING PERMITS ACCOUNT NUMBER HG0714Q
POLLUTION PREVENTION PLANNING ID NUMBER P00196
WASTEWATER EPA ID TX0106721
AIR NEW SOURCE PERMITS REGISTRATION 7999
AIR NEW SOURCE PERMITS REGISTRATION 12142
AIR NEW SOURCE PERMITS PERMIT 20289
AIR NEW SOURCE PERMITS REGISTRATION 42407
AIR NEW SOURCE PERMITS REGISTRATION 45044
AIR NEW SOURCE PERMITS AFS NUM 4820100051
AIR NEW SOURCE PERMITS REGISTRATION 78575
AIR NEW SOURCE PERMITS REGISTRATION 101946
AIR NEW SOURCE PERMITS REGISTRATION 111635
AIR NEW SOURCE PERMITS REGISTRATION 111735
AIR EMISSIONS INVENTORY ACCOUNT NUMBER HG0714Q
INDUSTRIAL AND HAZARDOUS WASTE SOLID WASTE REG. # (SWR) 30282

AIR OPERATING PERMITS PERMIT 1339
WASTEWATER PERMIT WQ0000440000
AIR NEW SOURCE PERMITS REGISTRATION 4819
AIR NEW SOURCE PERMITS REGISTRATION 8711
AIR NEW SOURCE PERMITS REGISTRATION 13977
AIR NEW SOURCE PERMITS REGISTRATION 28990
AIR NEW SOURCE PERMITS REGISTRATION 14239
AIR NEW SOURCE PERMITS ACCOUNT NUMBER HG0714Q
AIR NEW SOURCE PERMITS REGISTRATION 77166
AIR NEW SOURCE PERMITS REGISTRATION 78580
AIR NEW SOURCE PERMITS REGISTRATION 115273
AIR NEW SOURCE PERMITS REGISTRATION 115233
INDUSTRIAL AND HAZARDOUS WASTE EPA ID TXD008084238
STORMWATER PERMIT TXR05S090

Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015

Date Compliance History Report Prepared: September 11, 2015

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: September 11, 2010 to September 11, 2015

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Austin Henck **Phone:** (512) 239-6155

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1	Effective Date: 03/18/2012	ADMINORDER 2011-1056-AIR-E (1660 Order-Agreed Order With Denial)
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Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.143
30 TAC Chapter 122, SubChapter B 122.146(2)
5C THSC Chapter 382 382.085(b)

Rqmt Prov: GT&C OP

Description: Failed to submit the permit compliance certification for the certification ("PCC") period of May 18, 2009 through November 17, 2009 within the required time frame. Specifically, the PCC should have been submitted by December 17, 2009, but was not submitted until May 11, 2011, which was 510 days late.

- 2 Effective Date: 08/03/2013 ADMINORDER 2012-2454-AIR-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Rqmt Prov: SC 1 PERMIT
Description: The facility failed to prevent the release of unauthorized emissions during an excessive emission event. A12.i.(6)
Classification: Moderate
Citation: 30 TAC Chapter 115, SubChapter H 115.722(c)(1)
30 TAC Chapter 116, SubChapter B 116.115(c)
5C THSC Chapter 382 382.085(b)
Description: Enterprise Products failed to maintain HRVOC emissions below the limit of 1,200 lbs per 1-hour block for a site located in Harris County. The violation of this standards is associated to an excessive emissions event. A12.i.(9)

See addendum for information regarding federal actions.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	December 20, 2010	(897850)	Item 28	April 22, 2013	(1097309)
Item 2	January 24, 2011	(910639)	Item 29	May 10, 2013	(1085329)
Item 3	February 22, 2011	(910638)	Item 30	May 22, 2013	(1108336)
Item 4	March 21, 2011	(917901)	Item 31	June 24, 2013	(1111923)
Item 5	April 25, 2011	(929678)	Item 32	August 23, 2013	(1126607)
Item 6	May 23, 2011	(939597)	Item 33	September 24, 2013	(1131154)
Item 7	October 21, 2011	(972914)	Item 34	October 25, 2013	(1136909)
Item 8	November 21, 2011	(979050)	Item 35	November 25, 2013	(1142326)
Item 9	December 27, 2011	(985883)	Item 36	December 23, 2013	(1148763)
Item 10	January 24, 2012	(992239)	Item 37	January 27, 2014	(1154845)
Item 11	February 22, 2012	(999549)	Item 38	February 20, 2014	(1162156)
Item 12	March 22, 2012	(1005093)	Item 39	March 19, 2014	(1168771)
Item 13	April 13, 2012	(997430)	Item 40	April 17, 2014	(1175949)
Item 14	April 23, 2012	(1011649)	Item 41	May 20, 2014	(1182169)
Item 15	May 21, 2012	(1018030)	Item 42	June 19, 2014	(1189070)
Item 16	June 21, 2012	(1025771)	Item 43	July 17, 2014	(1200948)
Item 17	July 23, 2012	(1033118)	Item 44	August 13, 2014	(1172022)
Item 18	August 20, 2012	(1039635)	Item 45	August 19, 2014	(1200949)
Item 19	September 24, 2012	(1048563)	Item 46	September 15, 2014	(1116255)
Item 20	October 18, 2012	(1037356)	Item 47	October 17, 2014	(1207398)
Item 21	October 22, 2012	(1068885)	Item 48	November 19, 2014	(1220051)
Item 22	November 29, 2012	(1068886)	Item 49	December 17, 2014	(1225862)
Item 23	December 12, 2012	(1021069)	Item 50	January 16, 2015	(1232859)
Item 24	December 27, 2012	(1068887)	Item 51	February 18, 2015	(1243860)
Item 25	January 22, 2013	(1082468)	Item 52	March 17, 2015	(1250226)
Item 26	February 22, 2013	(1082467)	Item 53	April 14, 2015	(1257121)
Item 27	March 25, 2013	(1090981)	Item 54	May 18, 2015	(1263893)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a

regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 11/26/2014 (1205480) CN603211277
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 5C THSC Chapter 382 382.085(b)
 STC 14 and 1A OP
 STC 14 OP
Description: Thermal oxidizer failed to achieve 99.5% control efficiency (C4).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(3)(ii)
 5C THSC Chapter 382 382.085(b)
 SC 15A PERMIT
 STC 1A and 14 OP
Description: Failed to operate a Flare with a minimum net heating value of 300 Btu/scf (C4).
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)
 30 TAC Chapter 122, SubChapter B 122.143(4)
 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.18(c)(2)
 5C THSC Chapter 382 382.085(b)
 SC 15B PERMIT
 STC 1A and 14 OP
Description: Failed to operate a flare with a flame present at all the time (C4).

- 2 Date: 05/31/2015 (1270988) CN603211277
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 06/30/2015 (1278548) CN603211277
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

Notice of Intent Date: 09/23/2010 (870796)

Disclosure Date: 03/23/2011

Viol. Classification: Moderate

Citation: 40 CFR Chapter 262, SubChapter I, PT 262, SubPT C 262.34(c)(1)(ii)

Description: Failure to properly label drums. Two drums, believed to be paint waste, in the drum accumulation area were not labeled properly and existing writing were not legible.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.563(a)(4)

Description: Failure to comply with applicable requirements. The facility is not complying with the applicable requirements of 63.563(A)(4) regarding vapor-tightness requirements for marine vessels.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.560

Description: Failure to include 63.563(a)(4) into the Title V permit O-1339. 63.563(a)(4) appears to be applicable to the facility. A permit amendment should be submitted to reflect the applicable citations.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.560

Description: Failure to submit permit amendment to reflect that the TOF is a "combustion control device" instead of a "flare" and the appropriate Subpart Y citations be added/deleted to reflect this change. Representation made in the Title V permit application submitted to the TCEQ in fall 2009, indicate that the vapor control option used for marine dock loading emission would be "flare".

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(e)

Description: Failure to submit excess emission and continuous monitoring system performance reports and/or a summary report to the Agency once a year.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(j)(3)

Description: Failure to submit annual reports of the source's HAP control efficiency calculated using the procedures specified in 63.565(l), based on the source's actual throughput.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201

Description: Failure to include regulated entity number, estimate total quality of emissions, authorized emission limits, and supporting calculations in Emissions Events records.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

Description: Failure to locate facility files. Five years of records for the smoking flare logs could not be located in the facility files. 2007 to December 2010 were the only records available for review in the facility files.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(E)

Description: Failure to locate Monthly fugitive monitoring and maintenance records for the gasoline terminals in facility files. The report shall include all the associated equipment involved in the loading/unloading of gasoline. For this detection method, incorporation sight, sound, and smell are acceptable.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(4)

Description: Failure to locate file. Each time a vessel is loaded, a copy of the most recent vapor tightness test has to be maintained by the affected facility. The vapor tightness testing cannot exceed one year from the last test data. This documentation was not available.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Kb 60.115b(d)(3)

Description: Failure to include NGST Flare in the following semi-annual reports in which the pilot flame was absent for the operating periods: 01/01/2006 to 06/30/2006 letter dated 12/08/2008; 01/01/2008 to 06/30/2008 letter dated 07/10/2008; and 07/07/2008 to 12/31/2008 letter dated 01/05/2009.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)

Description: Failure to submit report. Title V Deviation reports were not submitted for the failure to include the NGST Flare on the semi-annual reports in which the pilot flame was absent as required by 40 CFR 60.115b(d).

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter F 115.542(a)

Description: Failure to route vapors to a control device. It was noted that there was a nitrogen purge on the tank for an extended period of time without any of the emission being controlled.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter C 115.216(3)(A)

Description: Failure to locate files in the facility files. Records of the date of the last leak test for each tank truck-tank for the required annual leak testing could not be located.

Notice of Intent Date: 09/23/2011 (968658)

Disclosure Date: 06/14/2012

Viol. Classification: Major

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(e)

Description: Failure to timely submit a semi-annual excess emissions and monitoring system performance report.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT EEEE 63.2386(a)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT SS 63.999(c)

Description: Failure to timely report a semi-annual periodic report for closed vent systems subject to 63.983 was not timely reported.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(2)

30 TAC Chapter 115, SubChapter D 115.356(1)(D)

40 CFR Part 60, Subpart VV 60.487

Description: Failure to properly identify on semi-annual reports which resulted in inconsistent component counts. Failure to properly perform emissions calculations for components on Delay Of Repair (DOR) for recordkeeping purposes.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 115, SubChapter D 115.352(4)

6C THSC Chapter 482, SubChapter G 482.001

Description: Failure to identify instances where open-ended lines (OELs) were not properly.

Viol. Classification: Major

Citation: 30 TAC Chapter 117, SubChapter B 117.303

Description: Failure to watch the diesel emergency engine (EPN 123) when it exceeded 100 hours during calendar year of 2010.

Viol. Classification: Moderate

Citation: 40 CFR Chapter 63, SubChapter C, PT 63, SubPT Y 63.567(m)

Description: Failure to include a summary of the malfunctions and descriptions of actions taken as required by the rule on the semi-annual excess emissions and monitoring system performance report.

Notice of Intent Date: 02/15/2013 (1072908)

Disclosure Date: 06/11/2013

Viol. Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT NSR Permit 20289, SC 16

Description: Failed to conduct stack testing on the Thermal Oxidizer (EPN 105) in accordance with Special Condition 16 of NSR Permit No. 20289 issued December 27, 2011. Specifically, the TO was tested in April 1993 at a 98% destruction efficiency, but the permit required a 99.5% destruction efficiency.

Viol. Classification: Moderate

Citation: 30 TAC Chapter 117, SubChapter B 117.303(a)(6)(D)

Description: Failed to limit the annual runtime of emergency firewater diesel engine 14PI04B to 52 hours.

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Addendum to Compliance History Federal Enforcement Actions

Reg Entity Name: MORGANS POINT COMPLEX

Reg Entity Add: EGP FUELS CO., MOR

Reg Entity City: MORGAN'S POINT

Reg Entity No: RN100210665

EPA Case No: 06-2012-3302

Order Issue Date (yyyymmdd): 20111212

Case Result:

Statute: CAA

Sect of Statute: 111

Classification: Minor

Program: New Source Performanc

Citation:

Violation Type:

Cite Sect:

Cite Part:

Enforcement Action: Administrative Penalty Order With or Without
Injunctive Relief

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ENTERPRISE PRODUCTS
OPERATING LLC
RN100210665**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2015-1416-IWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Enterprise Products Operating LLC ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates an organic chemical manufacturing facility located at 1200 North Broadway, approximately one-half mile north of the intersection of North Broadway Street and West Barbours Cut Boulevard in Morgan's Point, Harris County, Texas (the "Facility").
2. The Respondent has discharged industrial waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about September 7, 2015.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Twelve Thousand Six Hundred Dollars (\$12,600) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Five Thousand Forty Dollars (\$5,040) of the administrative penalty and Two Thousand Five Hundred Twenty Dollars (\$2,520) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty. Five Thousand Forty Dollars (\$5,040) shall be conditionally offset by the Respondent's completion of a Supplemental Environmental Project ("SEP").
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0000440000, Effluent Limitations and Monitoring Requirements No. 1, Outfall Nos. 002 and 003, as documented during a record review conducted on August 21, 2015 and shown in the violation table below:

Effluent Violation Table						
	Outfall No. 002		Outfall No. 003			
	Total Suspended Solids		Total Organic Carbon	Oil and Grease	Total Suspended Solids	
	Daily Average Conc.	Daily Maximum Conc.	Daily Maximum Conc.	Daily Maximum Conc.	Daily Average Conc.	Daily Maximum Conc.
Monitoring Period	Limit = 30 mg/L	Limit = 100 mg/L	Limit = 75 mg/L	Limit = 15 mg/L	Limit = 30 mg/L	Limit = 100 mg/L
May 2015	822	1,580	79.6	16.4	1,952	4,939
June 2015	c	c	c	c	388	989

Conc. = concentration
mg/L = milligrams per liter

c = compliant

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Enterprise Products Operating LLC, DOCKET NO. 2015-1416-IWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Five Thousand Forty Dollars (\$5,040) of the assessed administrative penalty shall be offset with the condition that the SEP defined in Attachment A, incorporated herein by reference, is implemented by the Respondent. The Respondent's obligation to pay the conditionally offset portion of the

assessed administrative penalty shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the Respondent shall, within 180 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limitations of TPDES Permit No. WQ0000440000, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with the permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

4. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes

aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

4/8/16

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

December 15, 2015

Date

Robert E. Moss

VP - Houston Region Operations

Name (Printed or typed)
Authorized Representative of
Enterprise Products Operating LLC

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.

Attachment A
Docket Number: 2015-1416-IWD-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Enterprise Products Operating LLC
Penalty Amount:	Ten Thousand Eighty Dollars (\$10,080)
SEP Offset Amount:	Five Thousand Forty Dollars (\$5,040)
Type of SEP:	Contribution to a Third-Party Pre-Approved SEP
Third-Party Administrator:	Armand Bayou Nature Center, Inc.
Project Name:	<i>Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project</i>
Location of SEP:	Harris County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

a. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Armand Bayou Nature Center, Inc.** for the *Coastal Prairie, Tidal Marsh, and Forested Wetland Restoration Project*. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ (the “Project”). Specifically, the SEP Offset Amount will be used to manage the Armand Bayou Nature Center (“ABNC”), which comprises of 2,500 acres located in southeast Harris County. ABNC contains three unique and vanishing ecosystems: coastal tallgrass prairie, forested wetland, and the tidal marsh stream of Armand Bayou. Prescribed burning is one stewardship tool used to maintain a tallgrass prairie ecosystem. If the prairie is not maintained, it can be destroyed by invasive species, which primarily include the Chinese tallow tree and other woody plants. In addition, prescribed mowing shall be conducted on a rotational basis as needed for maintenance of native species and removal of non-native species. The Third Party Administrator shall propagate terrestrial and aquatic native plants and install them to restore the Coastal Prairie, Tidal Marsh, and Forested Wetlands. The SEP Offset Amount will be used to pay for the labor and materials costs associated with conducting prescribed burns, mowing, removing non-native trees, and for planting native trees and plants. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations.

Enterprise Products Operating LLC
Agreed Order - Attachment A

All dollars contributed will be used solely for the direct cost of implementing the Project, including but not limited to supplies, materials, and equipment. Any portion of this contribution that is not able to be spent on the specifically identified SEP may, at the discretion of the Executive Director ("ED"), be applied to another pre-approved SEP.

The Respondent's signature affixed to this Agreed Order certifies that it has no prior commitment to make this contribution and that it is being contributed solely in an effort to settle this enforcement action. The Respondent shall not profit in any manner from this SEP.

b. Environmental Benefit

The ecological services provided by the restoration and management of the Coastal Prairie, Tidal Marsh, and Forested Wetlands ecosystems working in concert will help minimize pollution, reduce the amount of pollutants reaching the environment, and enhance water quality and wildlife habitat.

Coastal prairie grasslands are considered fire-dependent plant communities and require frequent exposure to fire effects for full ecological function. Prescribed fire in prairies helps control invasive species, minimize accumulated grass thatch, promote enrichment of soil nutrients and improve prairie plant vigor. One additional benefit of controlled prescribed burns is the reduction of fuels and the prevention of wildfires. This is particularly critical in the urban environment to protect human life and property and to minimize the release of large amounts of particulate matter resulting from uncontrolled wild fire. This treatment ensures that these coastal prairie grasslands will perform at their highest ecological function and provide the maximum potential ecological service to benefit water quality.

Mowing and targeted application of specialized herbicides will also help manage prairie species and remove non-native species. Propagation and installation of native plants will restore the natural balance to these ecosystems, reduce erosion, and increase habitat for wildlife. Plant installation in the Forested Wetland and Tidal Marsh will improve water quality by restoring depleted oxygen levels, providing habitat and nourishment for aquatic organisms, and reclaiming the area for native plants.

Proper management and restoration of these ecosystems will maximize the ecological services that they provide to Armand Bayou and Galveston Bay.

c. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Armand Bayou Nature Center, Inc. SEP** and shall mail the contribution with a copy of the Agreed Order to:

Armand Bayou Nature Center, Inc.
Attention: Mark Kramer, Stewardship Coordinator
P.O. Box 58828
Houston, Texas 77258

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP; shall make the check payable to "Texas Commission on Environmental Quality"; and shall mail it to:

Enterprise Products Operating LLC
Agreed Order - Attachment A

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.